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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

AMERICAN MEAT INSTITUTE et al.,

Plaintiffs and Respondents,

v.

WHITNEY R. LEEMAN,

Defendant and Appellant.

D047115

(Super. Ct. No. GIN044220)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on August 31, 2006, be modified as follows:

1. On page 1, second sentence of the first full paragraph, the words "was filed in response to" are deleted and the words "arose from" are inserted in their place, so the sentence reads:

In her motion, Leeman argues that the declaratory relief lawsuit filed against her by American Meat Institute and National Meat Association (the Trade Associations) was a strategic lawsuit against public participation (SLAPP) in that it arose from her service of notices on the Trade Associations' members alleging that they sold meat containing cancer-causing chemicals and reproductive toxins

without giving the warning required by Health and Safety Code section 25249 et seq.

2. On page 7, the first full paragraph is modified to read as follows:

In her anti-SLAPP motion, Leeman argued that the complaint, which was filed after she issued the Notices, arose from the exercise of her right to petition with respect to a public issue, and was thus a SLAPP.

3. On page 9, the first sentence of the third paragraph is modified to read:

Leeman argues that the complaint, which was filed after she served the Notices, arises from her exercise of the constitutional right of petition or free speech in connection with a public issue.

4. On page 15, in the last sentence of the first full paragraph, delete the words

"which is not advanced by Leeman in her own briefing," so the sentence reads:

As we will explain, we reject this argument.

There is no change in the judgment.

Appellant's petition for rehearing is denied.

HUFFMAN, Acting P. J.